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**OFFICIAL****FACSIMILE TRANSMISSION COVER SHEET**

DATE: February 12, 2004  
TO: Examiner Leigh Maier  
COMPANY: United States Patent & Trademark Office  
FACSIMILE NUMBER: (571) 273-0656  
FROM: Mary A. Appollina  
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NUMBER OF PAGES INCLUDING THIS COVER SHEET: 3

IF THERE IS A PROBLEM WITH THIS TRANSMISSION,  
PLEASE CALL JULIE CHAN-MORONEY AT (732) 524-1932

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RE: Serial No. 09/900,567, Filed on July 6, 2001  
Attorney Docket: ORT-1453-USA

**COMMENTS:**

Examiner Maier:

In accordance with our telephone conversation on February 11, 2004, attached find a Terminal Disclaimer complying with 37 C.F.R. 1.321(b) and (c), disclaiming the term of the patent issuing from this application which extends beyond the expiration date of U.S. Patent No. 6,868,337.

Mary A. Appollina

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE SOLELY TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE

DOCKET NO. ORT 1453-USA-NP

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: CARLOS PLATA-SALAMAN et al

Serial No.: 09/900,567

Art Unit: 1623

Filed : July 6, 2001

Examiner: L.C. Maier

For : ANTICONVULSANT DERIVATIVES USEFUL FOR PREVENTING THE  
DEVELOPMENT OF TYPE II DIABETES MELLITUS AND SYNDROME XCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450TERMINAL DISCLAIMER

Dear Sir:

Your Petitioner, Ortho-McNeil Pharmaceutical, Inc., a corporation of the State of Delaware, having a registered office at U.S. Route 202, Karitan, New Jersey 08869-0602, represents that it is the Assignee of the entire right, title and interest in and to the subject matter disclosed in the above-captioned patent application as evidenced by documents recorded at Reel 011902, Frame 0842 in the United States Patent and Trademark Office. Ortho-McNeil Pharmaceutical, Inc. is the owner of U.S. Patent Application Serial No. 10/042,425, filed October 25, 2001, now issued as U.S. Patent 6,686,337 as evidenced by documents recorded at Reel 013985, Frame 0345 in the United States Patent and Trademark Office.

Your Petitioner, Ortho-McNeil Pharmaceutical, Inc. hereby disclaims, except as provided below, under the provisions of 35 USC 253 and 37 CFR 1.321 and 3.73, the terminal part of the statutory term of any patent granted on application Serial No. 09/900,567 which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior United States Patent No. 6,686,337. The owner hereby agrees that any patent so granted on application Serial No.

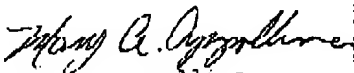
09/900,567 shall be enforceable only for and during such period that the legal title of said patent shall be the same as the legal title to United States Patent No. 6,686,337, this agreement to run with any patent granted on application Serial No. 09/900,567 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Terminal Disclaimer fee of \$110.00 and any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/ORT-1453-USA-NP/MAA. Three copies of this sheet are enclosed.

Signed at New Brunswick, New Jersey this 12 day of February, 2004.

Respectfully submitted,

  
Mary A. Appollina  
Attorney for Applicants  
Reg. No. 34,087

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Date: February 12, 2004